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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/096,939	06/12/1998	GEORGE KULT	CDR-97-031	2380

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MCI, INC
1133 19TH STREET NW
4TH FLOOR
WASHINGTON, DC 20036

EXAMINER

TIEU, BINH KIEN

ART UNIT PAPER NUMBER

2614

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/096,939

Applicant(s)

KULT ET AL.

Examiner

BINH K. TIEU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-5 and 8-20 is/are allowed.
- 6) ☒ Claim(s) 2,6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see remarks, filed 03/16/2006, with respect to 1-16 have been fully considered and are persuasive. The rejection of claims 1, 3-5 and 8-20 has been withdrawn. Those claims are allowed as indicated below. Applicants further argued, on page 20 in regarding to rejection of claim 2, that the McKenna et al. reference fails to teach the feature of sending a query to a resource manager that complied with a common standard for resource managers within the network is also moot in a new of rejection as followings.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 2 and 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKenna et al. (US Pat. #: 5,681,967 as cited in the previous Office Action) in view of Peters (US Pat. #: 6,097,727).

Regarding claim 2, McKenna et al. ("McKenna") teaches a method for managing resources within a network, comprising:

(i) sending a query to a resource manager, wherein said resource manager manages information corresponding to a resource (col.7, line 22 through col.8, line 7; and col.25, lines 1-3); and

(ii) managing data stored in memory and organized in table format using said query (col.3, lines 1-6 and lines 17-29), including manipulating the data to reflect the current resource state (col.6, lines 35-57);

wherein said data is agent data such as information collected from Topology Agents (col.3, lines 3-4), service logic program data such as information collected from logic resource, i.e., an Internet Protocol (IP) member, etc., (col.3, lines 40-52).

It should be noticed that McKenna fails to clearly teach the feature of sending a query to a resource manager that *complied with a common standard for resource managers within the network*, as agued by the Applicants in their remarks. However, Peters teaches such features in col.1, lines 13-26 for a purpose of controlling operation of real network resources located among different network nodes.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of the feature of sending a query to a resource

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manager that *complied with a common standard for resource managers within the network*, as taught by Peters, into view of McKenna in order to control operation of resource managers.

Regarding claims 6-7, McKenna further teaches limitations of the claims in col, 3, line 1 through col.4, line 2; col.6, lines 35-57 and col.7, lines 22-25.

Allowable Subject Matter

5. Claims 1, 3-5 and 8-20 allowed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

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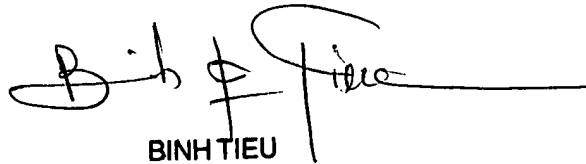
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A handwritten signature in black ink, appearing to read "Binh Tieu", with a long horizontal line extending to the right.

BINH TIEU
PRIMARY EXAMINER

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Date: April 21, 2006